

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	CG Docket No. 02-278
)	
The Petition for Reconsideration)	
)	
of the National Association)	
)	
of Realtors)	

**COMMENTS OF JOE SHIELDS IN OPPOSITION TO THE EX PARTE
PETITION FOR RECONSIDERATION FILED WITH THE COMMISSION BY
THE NATIONAL ASSOCIATION OF REALTORS**

I respectfully submit to the Commission these Comments in Opposition to the Ex Parte Petition for Reconsideration dated October 21, 2004 filed by the National Association of Realtors (CG Docket No. 02-278, DA 04-3185A) with the Commission. See also the petitions filed by the National Association of Realtors filed with the Commission on August 25, 2003 and April 28, 2004.

The petition filed by the National Association of Realtors (hereinafter "NAR") filed with the Commission dated October 21, 2004 is beyond ludicrous! Placing an advertisement in a newspaper, on the internet or on a board at a grocery store to sell an appliance, a car or a home does not convert a residence to a business. With NAR's logic a call to a doctor to make an appointment, a call to a local store to check for stock on a particular item and a call to ones employer to report in late for work would turn a home into a business. With NAR's logic a daughter that baby-sits for the neighbors, a daughter that sells Girl Scout cookies to the neighbors or a son that mows the neighbor's yard would turn a home into a business! With NAR's logic performing maintenance on a car or the home would turn a home into a business! With NAR's logic a garage or yard sale would turn a home into a business!

The Commission was clear in its June 26, 2004 Report and Order as to what "residential" means and how the term is used in the statute. In fact the Commission used the term "residential" forty seven (47) times in the Commissions Report and Order. To reinforce my position and hopefully the Commissions position as well, I am enclosing a decision of the Circuit Court of the County of St. Louis, Missouri and the Ohio Supreme Court which I believe are exactly on point.

I respectfully request that the Commission, if further clarification is even necessary, clarify that the classification of residential telephone line subscriber turns on how the telephone service is billed and not by how the telemarketing industry categorizes the activities within, surrounding or dealing with a residence.

Respectfully submitted,

_____/s/_____

Joe Shields

Texas Government & Public Relations Spokesperson for Private Citizen Inc.

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Certificate of Service:

I hereby affirm and state that a true and accurate copy of these Comments in Opposition to the Ex Parte Petition of the National Association of Realtors was mailed via first class mail, with sufficient postage paid to Petitioners legal representative:

Gerard J. Waldron

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